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1. WE HAVE BEEN ASKED BY STAFF TO RESOLVE APPARENT DISCREPANCY ON VOTING DETAILS BETWEEN LINE TAKEN IN THIEU'S 11 SEPTEMBER SPEECH AND TEXT OF ELECTION LAW'S ARTICLE 31. ISSUE INVOLVED IS THE BLANK BALLOT QUESTION.

2. AS YOU WELL KNOW, SOUTH VIETNAMESE VOTING PROCEDURES DO NOT INVOLVE MARKING OR CHECKING A BALLOT FOR A PREFERRED SLATE/CANDIDATE, AS IS THE COMMON U.S. PRACTICE. INSTEAD, VIETNAMESE VOTERS ARE ISSUED AN OFFICIAL ENVELOPE WITH A SEPARATE BALLOT FOR EACH CANDIDATE OR SLATE. IN THE THEORETICAL PRIVACY OF THE VOTING BOOTH, THE VOTER INSERTS HIS CHOICE'S BALLOT IN THE ENVELOPE, THROWS THE OTHERS IN A RECEPTACLE AND DROPS THE ENVELOPE WITH CHOSEN BALLOT INSIDE IN THE BALLOT BOX. THE VOTER MAKES NO MARKS ON ANYTHING.

3. THIEU HAS PUBLICLY STATED THERE WILL NOT BE A "NO" BALLOT IN THE 3 OCTOBER ELECTION. IF WE UNDERSTAND HIM, HE

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MEANS THERE WILL BE NO SECOND "NO" SLIP ISSUED TO VOTERS GIVING THEM CHOICE OF WHICH TO INSERT IN THEIR ENVELOPES. THIEU HAS ALSO SAID THAT TO CAST NEGATIVE VOTE, VOTERS MUST "CAST THEIR BALLOTS IN AN IRREGULAR MANNER." IN OTHER PRIVATE CONVERSATIONS YOU AND AMBASSADOR HAVE REPORTED, THIEU HAS TAKEN TACK THAT "BLANK" BALLOTS WILL NOT BE COUNTED IN TALLYING RESULTS.

4. ABOVE RAISES TWO PROBLEMS. IN VIETNAMESE PRACTICE THERE CAN BE NO SUCH THING AS A BLANK BALLOT. SINCE VOTER IS NOT SUPPOSED TO ~~MARK~~ MARK ANYTHING ON BALLOT HE CHOOSES, ALL BALLOTS CAST ARE BLANK. SECONDLY, WHAT ABOUT EMPTY OFFICIAL VOTING ENVELOPES DROPPED IN BALLOT BOX WITH NO BALLOT INSIDE? UNDER ARTICLE 31 OF ELECTION LAW, THIS IS EXPLICITLY ONE OF THE SIX WAYS FOR A BALLOT TO BE CONSIDERED INVALID. IF THIEU MEANS EMPTY ENVELOPES WILL BE CONSTRUED AS BLANKS AND NOT COUNTED IN FINAL TALLY, THEN HE IS GOING DIRECTLY AGAINST LETTER OF ELECTION LAW THAT, IN OTHER CONTEXTS, HE USES AS RATIONALE FOR

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TO [NOT HAVING A FORMAL QUOTE NO UNQUOTE BALLOT. WE URGENTLY
NEED ANY LIGHT OR CLARIFICATION YOU CAN SHED ON THESE
APPARENT CONTRADICTIONS.

5. THE SIX INVALIDATION CRITERIA OF ARTICLE 31 WERE NOT
DRAFTED TO SERVE AS VEHICLES FOR CASTING NEGATIVE VOTES.
NONETHELESS, THREE OF THEM EASILY COULD BE SO EMPLOYED:
EMPTY ENVELOPES, QUOTE INSCRIPTION OR SIGN UNQUOTE ON
ENVELOPE OR BALLOT, TORN BALLOT. IF THIEU SO DESIRED
(WHICH HE CLEARLY DOES NOT) GVN COULD ~~KEE~~ READILY FIX ON
ONE OF THESE AS BASIS FOR SIMPLE, STRICTLY KOSHER WAY OF
CASTING QUOTE NO UNQUOTE VOTE AND THEN SO INSTRUCT THE
ELECTORATE.

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George A. Carver, Jr
SAVA

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